

JAP:KMT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

TO BE FILED UNDER SEAL

- against -

AFFIDAVIT AND COMPLAINT IN
SUPPORT OF AN ARREST
WARRANT

ANTHONY LOPEZ,

M. No. _____
(18 U.S.C. § 2252(a)(2))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS.:

AARON SPIVACK, being duly sworn, deposes and says that he is a Special Agent with the United States Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

On or about and between December 28, 2011 and January 31, 2012, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, ANTHONY LOPEZ did knowingly receive and distribute any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting

interstate or foreign commerce or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(2)).

The source of my information and the grounds for my belief are as follows:¹

1. I have been a Special Agent of the FBI since October 2008, and am currently assigned to the New York Office. Since May 2010, I have been assigned to the Internet Crimes Against Children squad. I have been assigned to investigate violations of criminal law relating to the sexual exploitation of children. I have gained expertise in this area through training in classes and daily work related to conducting these types of investigations. As part of my responsibilities, I have been involved in the investigation of numerous child pornography cases and have reviewed hundreds of photographs depicting children (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor. I am also a member of

¹ Because the purpose of this complaint is merely to establish probable cause to arrest, I have not set forth all of the acts and circumstances concerning this investigation of which I am aware.

the Eastern District of New York Project Safe Childhood Task Force.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

THE INVESTIGATION

3. On or about and between December 28, 2011 and December 29, 2011, I conducted an on-line undercover investigative session utilizing a law enforcement peer-to-peer ("P2P") file sharing program. During this session, I located a user who was on the P2P network utilizing the file sharing program "Limewire/4.21.8," and was assigned IP address 24.42.76.33. I determined that the account was active in Brooklyn, NY, was connected to the Internet, and had images/videos related to Child Pornography ("CP") available for browse and/or sharing.²

² As indicated below, records subpoenaed from Earthlink show that IP address 24.42.76.33 was subscribed to by ANTHONY LOPEZ

4. During my undercover investigative session on December 28, 2011, I determined that the user's computer was configured to allow the browsing of their shared folder, and I was able to make a direct connection to the computer sharing these files. A list of all the computer's shared files was recorded. During this session, I identified that the user was sharing 62 files. I initiated a download of 61 of the 62 files and received 49 complete downloads. I reviewed the images and determined that 41 were consistent with being CP,³ three were consistent with being child erotica, and five others were either

at the address 47 McGuinness Blvd, Brooklyn, NY, 11222, email address zonalpony@gmail.com, at the time I downloaded the CP referenced below. Earthlink also provided information that Time Warner, which owns the cable lines utilized by the subscriber, indicated that the IP address was subscribed to ANTHONY LOPEZ at "47 MCGUINNESS BLVD-BST, BROOKLYN, NY 112224054."

³ Although still images of apparent child pornography can be created using "morphing" technology and the identity of these minors are not known to law enforcement (i.e., the identity and age of the children have not been discovered by law enforcement), it appears that these images involve the use of actual (i.e. non-virtual) minors engaging in sexually explicit conduct. This conclusion is also based upon my consultation with other agents experienced in determining whether child pornography images depict real children. In addition, based upon my experience in child pornography investigations, I have found that collectors of child pornography generally have in their collections both images which depict children known to law enforcement and images in which the identities of the children depicted are not yet known to law enforcement. Moreover, where, as here, an individual is a member of a hardcore pedophile/child pornography network which is not accessible by casual web-browsing, the likelihood that such an individual is in possession of child pornography depicting real children is extremely high.

borderline child pornography or adult pornography. Subsequently, I verified the SHA1 values of the downloaded files using a commercial software application. For example, the following images, which are available for the Court's review, were downloaded from defendant's shared folder:

- a. SHA1 Value: DND3XFV6O4RWUPVU24KH5FTOS3LQZFMU
is an image depicting a prepubescent girl lying face down with an adult male's erect penis being inserted into her anus/vagina.
- b. SHA1 Value: SR43CEFJFB6OKAVDEVCPFQTMCM2UVDFDQ
is an image depicting a fully nude prepubescent girl lying on her back exposing her breasts and vagina.
- c. SHA1 Value: IZ62MH62NN4XS2FJY2MGEJDQZAU12JRD
is an image depicting a partially nude prepubescent girl exposing her vagina.

5. During my undercover investigative session on December 29, 2011, I determined that the user's computer was configured to allow the browsing of their shared folder, and I was able to make a direct connection to the computer sharing these files. A list of all the computer's shared files was recorded. During this session, I identified that the user was sharing 47 files. I initiated a download of the 47 files and received 45 complete downloads. I reviewed the images and

videos and determined that 39 were consistent with being CP, four were consistent with being child erotica, and two others were either borderline child pornography or adult pornography. Subsequently, I verified the SHA1 values of the downloaded files using a commercial software application. For example, the following images, which are available for the Court's review, were downloaded from defendant's shared folder:

- a. SHA1 Value: 244CLUKEIO5ITQ477WYFKQBK2I4C6FFZ
is an image depicting a fully nude girl, approximately 11-12 years of age, with her head on a bed her exposing her anus and vagina.
- b. SHA1 Value: VNJJU2BM4TAM5XFP3R53UFA4JTR5H5KQ
is an image depicting a nude, prepubescent girl sitting on the ground with an adult female lying in front of her with her head next to the prepubescent girl's exposed vagina.
- c. SHA1 Value: XBMXBFFJ2DCPSN3XH2EDS4MMMGPJRXQ3
is a 55 second video depicting a female, approximately 9-11 years of age, who takes her pants off and touches her vagina.

6. Records subpoenaed from Earthlink show that IP address 24.42.76.33 was subscribed to by ANTHONY LOPEZ at the

address 47 McGuinness Blvd, Brooklyn, NY, 11222, email address zonalpony@gmail.com, at the time I downloaded the CP referenced in the above paragraphs. Earthlink also provided information that Time Warner, which owns the cable lines utilized by the subscriber, indicated that the IP address was subscribed to ANTHONY LOPEZ at "47 MCGUINNESS BLVD-BST, BROOKLYN, NY 112224054."

7. Based on the findings of my undercover investigation, on January 31, 2012, Magistrate Judge Marilyn D. Go signed a search warrant for the residence of the ANTHONY LOPEZ (the "Subject Premises"), located at 47 McGuinness Blvd., Basement, Brooklyn, NY, 11222. The warrant authorized agents to search and seize evidence or fruits or instrumentalities of the possession, transportation, receipt, distribution and reproduction of sexually explicit material relating to children, in violation of Title 18 United States Code, Sections 2252 and 2252A.

8. On February 1, 2012, law enforcement agents executed the search warrant at the Subject Premises. The defendant was present at the Subject Premises at the time of the search and stated that he resided there. Inside the Subject Premises, among the computer equipment and related items seized, law enforcement personnel discovered a Macintosh laptop

computer, which defendant admitted using to connect to the Internet through and a password protected wireless router.

9. During the execution of the search warrant of the Subject Premises, law enforcement agents spoke with ANTHONY LOPEZ. ANTHONY LOPEZ admitted, in sum and substance, and in relevant part, that he has downloaded CP for the past ten years and that he used the Limewire and Frostwire P2P software to do so. ANTHONY LOPEZ stated that he used the search terms "PTHC - Preteen hard-core," "PTSC - Preteen soft-core," "PTNN - Preteen non-nude," "Hussyfan," "R@ygold," and "7yo." to search for CP.

10. ANTHONY LOPEZ stated that he downloads CP approximately 5 times per week and that he had most recently downloaded CP the previous night, January 31, 2012, using Frostwire P2P software. Defendant stated that he is aware that he is sharing and distributing CP while using the Limewire and Frostwire programs. He also stated that, after downloading CP, he sometimes moved the images and videos he downloaded to a 16GB thumb drive, which law enforcement agents located on defendant's desk during their search. Defendant stated that law enforcement would not find CP images on his computer or thumb drive because the devices had recently been cleaned.

11. ANTHONY LOPEZ stated that he is the only user of the Macintosh laptop seized at the Subject Premises. Defendant was shown images I downloaded from him during my December 28-29,

2011 undercover sessions and a file listing of files captured from defendant's shared folder at that time. Defendant stated in sum and substance that the images were his and the file list had belonged to him at some point, but that he had deleted the files.

12. ANTHONY LOPEZ also provided a written statement to agents that, in substance and in part, acknowledged that he downloads CP and that he had possessed and distributed the images shown to him by agents.

13. A preliminary search of the electronic devices seized on February 1, 2012 indicates the presence of the P2P file sharing program Frostwire, and approximately 4,000 images depicting CP, 13 videos depicting CP, and over 6,000 images depicting child erotica. Among the CP present on defendant's computer are images and videos depicting prepubescent children under the age of 12, some of whom are infants and toddlers, engaged in various sexual acts with other children and adults including oral, digital, and vaginal penetration, and sadomasochism. Examples of the photographs and videos, which are available for the Court's review, include the following:

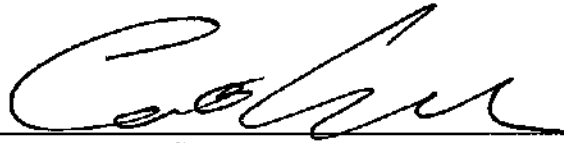
- a. "PTHC 2012 6yo Elly BJ.mp4" is a 4 minute and 17 second video depicting a girl, approximately 6 years of age engaging in oral sex with an adult male. The girl is

naked from the waist down, exposing her vagina, and the adult male engages her in digital penetration. The adult male ejaculates in the girl's mouth.

- b. "Pthc-2010 (Kathie) Sweet sugar 4yo girl with dad(1).avi" is a 3 minute and 33 second video depicting a young girl, approximately 4 years of age who is naked from the waist down, exposing her vagina. An adult male engages her in digital and vaginal penetration. The girl engages the adult male in oral sex, and the adult male ejaculates on the girl's face.

- c. "PTHC Pedo NEW Childporn Private Daughter Torpedo Ranchi Lolita - 1188453295293.jpg" is an image depicting a fully nude prepubescent girl approximately less than 8 years of age positioned over an adult male. The girl's vagina and anus is over the man's chest and he is spreading her buttocks apart exposing the anus and vagina.

WHEREFORE, Your Affiant respectfully requests that the Court issue an arrest warrant for the ANTHONY LOPEZ so that he may be dealt with according to law.



AARON SPIVACK
Special Agent
Federal Bureau of Investigation

Sworn to before me this
23rd day of August, 2012

THE HONORABLE LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK